

Message Text

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ORIGIN L-03

INFO OCT-01 PM-04 EA-09 EUR-12 NEA-10 ARA-10 ISO-00
SIG-02 MMO-04 AF-10 IO-13 CIAE-00 INR-07 NSAE-00
DODE-00 CPR-01 SCA-01 TRSE-00 COME-00 DOTE-00
EB-07 FMC-02 CG-00 DLOS-09 OES-07 /112 R

DRAFTED BY L/PM:SORLINS/OSD/FMRA:P.BARRINGER:ML
APPROVED BY PM/ISO: GTCHURCHILL
PM/ISO: J.BURGESS
EA/RA - COL. BAILEY
EUR/RPM - D. KINNEY
NEA/RA - R. HOBBS
ARA/RPP - COL. QUIGG
L/PM - J.MICHEL

-----111545Z 017251 /40

R 110517Z MAY 77
FM SECSTATE WASHDC
TO ALL DIPLOMATIC POSTS
XMT AMEMBASSY ASUNCION
AMEMBASSY BAMAKO
AMEMBASSY BANGUI
AMEMBASSY BERLIN
USMISSION USBERLIN
AMEMBASSY BERN
AMEMBASSY BUDAPEST
AMEMBASSY BUJUMBURA
AMEMBASSY BRUSSELS
AMEMBASSY GABORONE
AMEMBASSY KABUL
AMEMBASSY KATHMANDU
AMEMBASSY KIGALI
AMEMBASSY LA PAZ
AMEMBASSY LUSAKA
AMEMBASSY LUXEMBOURG
AMEMBASSY MASERU
USMISSION GENEVA
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AMEMBASSY NDJAMENA
AMEMBASSY NIAMEY
AMEMBASSY PARIS
AMEMBASSY OUAGADOUGOU
USMISSION SINAI
AMEMBASSY ANTANANARIVO
AMEMBASSY VIENNA

AMEMBASSY VIENTIANE

UNCLAS STATE 106685

E.O. 11652:N/A

TAGS: OCLR, XX

SUBJECT:STATUS OF USNS VESSELS AND OTHER GOVERNMENT OWNED
VESSELS OPERATED ON NON-COMMERCIAL SERVICE

1. IT HAS BEEN REPORTED THAT UNITED STATES NAVAL SHIPS (USNS) HAVE BEEN VISITED BY LOCAL CUSTOMS OFFICIALS ON ARRIVAL IN PORT EXPECTING TO CLEAR THE SHIPS AS COMMERCIAL VESSELS.

2. ALL USNS DESIGNATED SHIPS ARE EITHER OWNED BY OR BARE-BOAT-CHARTERED TO THE US GOVERNMENT, SPONSORED BY THE US NAVY AND OPERATED BY OR FOR THE MILITARY SEALIFT COMMAND EXCLUSIVELY ON GOVERNMENTAL NON-COMMERCIAL SERVICE. DIPLOMATIC CLEARANCE IS REQUESTED FOR THESE VESSELS. THE BAREBOAT CHARTERED VESSELS ARE PRIVATELY OWNED, BUT PHYSICAL POSSESSION OF THOSE SHIPS IS SURRENDERED TO THE UNITED STATES; THEY ARE THEN REDESIGNATED USNS AND ARE MANNED EITHER BY CIVIL SERVICE CREWS EMPLOYED BY THE UNITED STATES OR BY CONTRACTOR EMPLOYEES. IN BOTH CASES THE SHIPS ARE UNDER THE DIRECT OPERATIONAL CONTROL OF THE GOVERNMENT. THE SHIPS' PHYSICAL APPEARANCE, BOTH PAINTING AND STACK MARKINGS, ARE USUALLY THE SAME AS USG OWNED, MSC NUCLEUS UNCLASSIFIED

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FLEET SHIPS.

3. IN ADDITION TO USNS DESIGNATED SHIPS THE MILITARY SEALIFT COMMAND ALSO CHARTERS PRIVATELY-OWNED US-FLAG VESSELS FOR A PERIOD OF TIME OR A SPECIFIED VOYAGE OR VOYAGES, MANNED BY CIVILIAN CREWS EMPLOYED BY THE COMMERCIAL OPERATOR, UNDER THE DIRECTION OF THE UNITED STATES AND USED EXCLUSIVELY TO TRANSPORT US GOVERNMENT CARGO. PHYSICAL POSSESSION OF THE SHIPS IS RETAINED BY THE OWNER, AND THEY ARE UNDER THE DIRECTION OF THE UNITED STATES AS CHARTERER. DIPLOMATIC CLEARANCE IS NOT REQUESTED FOR THESE VESSELS.

4. IN ACCORDANCE WITH CUSTOM AND USAGE IN INTERNATIONAL LAW, ALL VESSELS OWNED OR OPERATED BY A STATE AND USED ON GOVERNMENT NON-COMMERCIAL SERVICE ARE ENTITLED TO SOVEREIGN IMMUNITY. THIS MEANS SUCH VESSELS ARE, INTER ALIA, IMMUNE FROM ARREST AND SEARCH, WHETHER IN FOREIGN INTERNAL OR TERRITORIAL WATERS OR ON THE HIGH SEAS; IMMUNE FROM ALL

FOREIGN TAXATION; EXEMPT FROM ANY FOREIGN STATE REGULATION REQUIRING FLYING THE FLAG OF SUCH FOREIGN STATE EITHER IN ITS PORTS OR WHILE PASSING THROUGH ITS TERRITORIAL SEA; AND ENTITLED TO COMPLETE CONTROL OVER PERSONS ON BOARD SUCH VESSELS. THESE SHIPS, HOWEVER ARE EXPECTED TO COMPLY VOLUNTARILY WITH THE LAWS OF THE LITTORAL STATE WITH REGARD TO ORDER IN THE PORTS, THE PLACES FOR CASTING ANCHOR, SANITATION AND QUARANTINE, ETC. WHILE CERTAIN, PRINCIPALLY SOCIALIST, STATES CLAIM SOVEREIGN IMMUNITY FOR ALL GOVERNMENT OWNED OR OPERATED VESSELS, THE US ADHERES TO THE VIEW THAT SUCH IMMUNITY APPLIES ONLY TO VESSELS USED ON NON-COMMERCIAL SERVICE.

5. ACCORDINGLY, ALL USNS SHIPS ARE ENTITLED TO SOVEREIGN IMMUNITY. VESSELS OPERATED UNDER TIME AND VOYAGE CHARTERS, HOWEVER, RETAIN THE OUTWARD APPEARANCE OF COMMERCIAL SHIPS, ARE MANNED BY NON-US GOVERNMENT PERSONNEL AND ARE OWNED AND UNCLASSIFIED

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OPERATED BY A PRIVATE PARTY. SUCH SHIPS ARE NOT GENERALLY ENTITLED TO SOVEREIGN PRIVILEGES AND IMMUNITIES. ACCORDINGLY, APPROPRIATE PRIVILEGES FOR THESE VESSELS ARE SOUGHT PURSUANT TO INDIVIDUAL AGREEMENTS WITH THE NATIONS CONCERNED.

6. IN THE PAST THE US GOVERNMENT HAS CLAIMED AND HAS GENERALLY BEEN AFFORDED FULL SOVEREIGN PRIVILEGES AND IMMUNITIES FOR USNS VESSELS AND VESSELS OPERATED BY THE USG UNDER BAREBOAT CHARTERS. HOWEVER, WITH RESPECT TO VESSELS OPERATED UNDER TIME AND VOYAGE CHARTERS, IT HAS BEEN THE PRACTICE OF THE USG TO REQUEST, ON BEHALF OF THESE VESSELS, ONLY FREEDOM FROM ARREST AND IMMUNITY FROM TAXATION. PRESENT USG POLICY IS TO CONTINUE TO CLAIM FULL SOVEREIGN

IMMUNITY FOR ALL VESSELS OWNED BY THE USG OR OPERATED BY IT UNDER BAREBOAT CHARTERS, WHILE REQUESTING ONLY THE LIMITED IMMUNITY DESCRIBED ABOVE FOR VESSELS OPERATED BY IT UNDER TIME OR VOYAGE CHARTERS.

7. REQUEST ALL POSTS TAKE APPROPRIATE ACTION TO INSURE HOST GOVERNMENTS ARE AWARE IN APPROPRIATE CASES OF STATUS OF USNS VESSELS ON NON-COMMERCIAL SERVICE AND ASSIST IN ASSURING RECOGNITION OF STATUS. CHRISTOPHER

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ORIGIN PM-04

INFO OCT-01 ISO-00 /005 R

66011

DRAFTED BY:PM:ISO:JEBURGESS

APPROVED BY:PM:ISO:GTCHURCHILL

-----211022Z 121098 /21

R 202100Z MAY 77

FM SECSTATE WASHDC

TO AMEMBASSY ANTANANARIVO

AMEMBASSY BRUSSELS

AMEMBASSY BERLIN

AMEMBASSY PARIS

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FOLLOWING TELEGRAM FROM SECSTATE WASHDC DATED MAY 11, 1977
SENT TO ALL DIPLOMATIC POSTS XMT ASUNCION, BAMAKO, BANGUI,
BERLIN, USBERLIN, BERN, BUDAPEST, BUJUMBURA, BRUSSELS, GABORONE,
KABUL, KATHMANDU, KIGALI, LA PAZ, LUSAKA, LUXEMBOURG, MASERU,
GENEVA, NDJAMENA, NIAMEY, PARIS, OUAGADOUGOU, SINAI,
ANTANANARIVO, VIENNA, VIENTIANE IS REPEATED TO YOU: QUOTE

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CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Sent Date: 11-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE106685
Document Source: CORE
Document Unique ID: 00
Drafter: SORLINS/OSD/FMRA:P.BARRINGER:ML
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770166-0085
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770569/aaaachki.tel
Line Count: 306
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: dd733096-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 15-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2561026
Secure: OPEN
Status: NATIVE
Subject: STATUS OF USNS VESSELS AND OTHER GOVERNMENT OWNED VESSELS OPERATED ON NON-COMMERCIAL SERVICE
TAGS: OCLR, XX
To: ALL POSTS ASUNCION MULTIPLE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/dd733096-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
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